

1 ROB BONTA
Attorney General of California
2 ALEXANDRA M. ALVAREZ
Supervising Deputy Attorney General
3 KAROLYN M. WESTFALL
Deputy Attorney General
4 State Bar No. 234540
600 West Broadway, Suite 1800
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 738-9465
7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
OFFICE OF ADMINISTRATIVE HEARINGS
11 **STATE OF CALIFORNIA**

12 **WILLIAM PRASIFKA,**
Executive Director,
13 Medical Board of California,
Department of Consumer Affairs,
14 State of California,

Petitioner,

15 v.

16 **ROMEO N. RODRIGUEZ, M.D.**
29151 Willowood Ln.
17 Highland, CA 92346-5403

18 Physician's and Surgeon's Certificate No.
19 A 31849

20 Respondent.

Case No. 800-2022-086118

**STIPULATION OF THE PARTIES RE
INTERIM ORDER OF SUSPENSION
AND ORDER**

21
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
26 California (Board). He brought this action solely in his official capacity and is represented in this
27 matter by Rob Bonta, Attorney General of the State of California, by Karolyn M. Westfall,
28 Deputy Attorney General.

2. Romeo N. Rodriguez, M.D. (Respondent) is represented in this proceeding by attorney Gregory H. Kassel Esq., whose address is: Kassel & Kassel Law Offices, 1200 California Street, Suite 260, Redlands, CA 92374.

JURISDICTION

3. On or about December 9, 1977, the Board issued Physician's and Surgeon's Certificate No. A31849 to Respondent. The Physician's and Surgeon's Certificate was in full force and effect at all times relevant herein, and will expire on May 31, 2023, unless renewed.

4. Pursuant to the provisions of California Government Code section 11529, an administrative law judge of the Medical Quality Hearing Panel established pursuant to section 11371 may issue an interim order suspending a license, or imposing drug testing, continuing education, supervision of procedures, or other license restrictions. Interim orders may be issued only if the affidavits in support of the petition show that the licensee has engaged in, or is about to engage in, acts or omissions constituting a violation of the Medical Practice Act or the appropriate practice act governing each allied health profession, or is unable to practice safely due to a mental or physical condition, and that permitting the licensee to continue to engage in the profession for which the license was issued will endanger the public health, safety, or welfare. Interim orders may also be issued without notice if it appears from the facts shown by affidavit that serious injury would result to the public before the matter can be heard on notice.

FACTUAL BASIS FOR INTERIM SUSPENSION ORDER

5. Respondent admits that he has been charged with multiple felonies in San Bernardino Superior Court Case No. FWV22000560 that, if proven, would constitute a violation or violations of a provision or provisions of the Medical Practice Act, that he is also presently unable to practice medicine safely due to a mental or physical condition, and that permitting him to continue to practice medicine would endanger the public health, safety and welfare. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

///

6. Respondent agrees to the issuance of an Interim Order of Suspension under Government Code section 11529 immediately suspending his Physician's and Surgeon's Certificate No. A31849 and prohibiting him from practicing medicine in the State of California pending further order from the Office of Administrative Hearings.

7. Based on the foregoing stipulations and agreements, the parties agree that an Interim Order of Suspension should be issued immediately suspending Respondent's Physician's and Surgeon's Certificate No. A31849 and immediately prohibiting him from practicing medicine in the State of California pending further order from the Office of Administrative Hearings.

8. Any motion to vacate the Interim Order of Suspension issued in this case shall be filed in accordance with the provisions of Title 1, California Code of Regulations, sections 1006 and 1022. However, no such motion may be heard on an *ex parte* basis and any motion to vacate the Interim Order of Suspension issued in this case shall be served on Petitioner's counsel and filed with the Office of Administrative Hearings no less than thirty (30) business days prior to any hearing on the motion. Once served and filed, no such motion shall be decided without first affording the parties the opportunity to present oral argument.

WAIVERS

9. Respondent is fully aware of all of his rights under California Government Code section 11529, subdivision (d), to a noticed hearing on the issue of whether an interim order of suspension should be issued in the above-entitled matter, and all other rights accorded him under California Government Code section 11529, subdivision (d), at which he is entitled, at a minimum, to all the following rights:

(a) To be represented by counsel.

(b) To have a record made of the proceedings, copies of which may be obtained by the licensee upon payment of any reasonable charges associated with the record.

(c) To present written evidence in the form of relevant declarations, affidavits, and documents. The discretion of the administrative law judge to permit testimony at the hearing conducted pursuant to this section shall be identical to the discretion of a superior court judge to permit testimony at a hearing conducted pursuant to Section 527 of the Code of Civil Procedure.

1 (d) To present oral argument.

2 10. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely
3 and voluntarily waives and gives up each and every one of the rights set forth and/or referenced in
4 paragraph 9, above.

5 11. Respondent is fully aware of all of his rights under Government Code section
6 11529, subdivisions (f) and (g), which state as follows:

7 “(f) In all cases where an interim order is issued, and an accusation is
8 not filed and served pursuant to Sections 11503 and 11505 within 15 days of the
9 date in which the parties to the hearing on the interim order have submitted the
10 matter, the order shall be dissolved. Upon service of the accusation the licensee
11 shall have, in addition to the rights granted by this section, all of the rights and
12 privileges available as specified in this chapter. If the licensee requests a hearing
13 on the accusation, the board shall provide the licensee with a hearing within 30
14 days of the request, unless the licensee stipulates to a later hearing, and a decision
15 within 15 days of the date the decision is received from the administrative law
16 judge, or the board shall nullify the interim order previously issued, unless good
17 cause can be shown by the Division of Medical Quality for a delay.

18 “(g) Where an interim order is issued, a written decision shall be
19 prepared within 15 days of the hearing, by the administrative law judge, including
20 findings of fact and a conclusion articulating the connection between the evidence
21 produced at the hearing and the decision reached.”

22 12. Having the benefit of counsel, Respondent hereby knowingly, intelligently, freely
23 and voluntarily waives and gives up each and every the of the rights set forth and/or referenced in
24 paragraph 11, above.

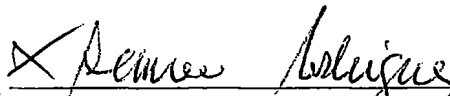
25 13. Respondent hereby specifically, knowingly, intelligently, freely and voluntarily
26 waives and gives up his right to the expedited filing of an accusation, an expedited hearing on the
27 accusation, and an expedited issuance of a proposed decision, all of which he is entitled to under
28 Government Code section 11529, subdivisions (f) and (g).

ADDITIONAL PROVISIONS

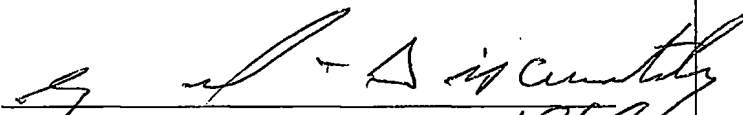
14. The parties hereby stipulate that all proceedings in the above-entitled Interim Order of Suspension matter shall be conducted at the Office of Administrative Hearings located in San Diego, California.

15. The parties further stipulate that copies of this "Stipulation of the Parties Re Interim Order of Suspension and Order," including copies of signatures appearing thereon, may be used in lieu of original documents and signatures and, further, that such copies and signatures shall have the same force and effect as originals.

Dated: October 7th, 2022

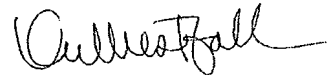

ROMEO N. RODRIGUEZ, M.D.
Respondent

Dated: October 6th, 2022


GREGORY H. KASSEL, ESQ. 1368
Counsel for Respondent

Dated: October 10, 2022

ROB BONTA
Attorney General of the State of California
ALEXANDRA M ALVAREZ
Supervising Deputy Attorney General


By KAROLYN M. WESTFALL
Deputy Attorney General
Attorneys for Petitioner

INTERIM ORDER OF SUSPENSION

Based on the foregoing stipulations and agreements, an Interim Order of Suspension is hereby issued immediately suspending Physician's and Surgeon's Certificate No. A31849 heretofore issued by the Medical Board of California to Respondent Romeo Rodriguez, M.D., and, accordingly, Respondent is hereby immediately prohibited from practicing medicine in the State of California pending further order from the Office of Administrative Hearings. Any motion to vacate this Interim Order of Suspension shall be filed in accordance with the provisions of Title 1, California Code of Regulations, sections 1006 and 1022. However, no such motion may be heard on an *ex parte* basis and any motion to vacate this Interim Order of Suspension shall be served on Petitioner's counsel and filed with the Office of Administrative Hearings no less than thirty (30) business days prior to any hearing on the motion. Once served and filed, no such motion shall be decided without first affording the parties the opportunity to present oral argument.

IT IS SO ORDERED this 14 day of October, 2022.



ADMINISTRATIVE LAW JUDGE

ADAM L. BERG
OFFICE OF ADMINISTRATIVE
HEARINGS